REMARKS/ARGUMENTS

Claims 1-44 are pending. Claims 1-20, 22-23, 28-30, 32-36, and 42-43 have been amended as set forth in the following sections. In view of the following remarks/arguments, withdrawal of all outstanding objections and rejections to the pending claims is respectfully requested.

Claim Rejections Under 35 USC §101

Claims 1 and 4-18 stand rejected under 35 USC §101 as being directed to non-statutory subject matter. Claims 1 and 4-18 have been amended to indicate that operations of the methods of the rejected claims are necessarily performed by a computing device. Withdrawal of these rejections under 35 USC §101 is respectfully requested

Claim Rejections Under 35 USC §112, Second Paragraph

Claims 2, 7, 22-23, 28-29, and 34 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and claim the subject matter of the invention. Each of these claims has been amended to correct grammar such as one or more antecedent basis issues. In view of these amendments, withdrawal of the 35 USC §112, second paragraph rejections is respectfully requested.

Claim Rejections Under 35 USC §102(e)

Claims 1-4, 6-7, 20-21, 23, 25, 30-34, and 36 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent Application Publication No. US 2002/138844 to Otenasek et al ("Otenasek"). These rejections are traversed.

A fundamental aspect of 35 USC §102(e) is that a claim is anticipated only if each and every element as set forth in the claim is described in a single prior art reference (MPEP §2131.01). Otenasek does not describe each and every feature of claims 1-4, 6-7, 20-21, 23, 25, 30-34, and 36 for the following reasons.

The Otenasek Reference

Otenasek describes a system for warehousing multimedia. In particular, Otenasek describes at ¶ 22 that multimedia content is uploaded (manually or by computer) to a "central upload site" **30** of a data warehouse for review and possible distribution. At ¶ 31 and 32, Otenasek describes that uploaded multimedia content of different data formats (e.g., MPEG, MOV, AVI, RM) are converted into a single uniform data format (e.g., the AVI data format) using industry standard *media content encoders*. As media content is uploaded, it is converted into the uniform data format, stored on a database, and a catalog of the uploaded media content is maintained (¶33). An administrative reviewing authority polls the catalog "to ascertain when new works are available", review/view selected ones of the new work(s), tag the new work(s) with an abstract of information (media category, subject, date, author, description), determine if the new works is/are appropriate for public access, and if so, specify a viewer rating. (E.g., see ¶s 23, 35-39). For this, ¶ 41 and Fig. 4 of Otenasek describe a user interface (UI), wherein "[i]f the content reviewer chooses 'View

Media Pending Approval' a list of the newly available media file(s) appears". The content reviewer selects a particular piece of media content from the list (catalog) for presentation via a browser or media player to determine whether the selected media content is acceptable for public access and/or to generate/edit a corresponding abstract of information with respect to the selected media item.

Subject Matter of the Pending Claims

Claim 1 recites in part "accessing, by a computing device, a first playlist". Nowhere does Otenasek describe a "playlist" of any sort as claimed by the Applicant. In addressing this claim, the July 30, 2003 Office action ("ACTION") points to figure 3 and step 100 of Otenasek to conclude that Otenasek anticipates "accessing a first playlist". This conclusion is unsupportable.

Otenasek at step 100 of figure 3 and corresponding description, describes video submission (uploading or e-mail) to an administrator of a video-on-demand (VOD) web site. Otenasek describes at ¶ 22 that multimedia content is uploaded to a "central upload site" **30** for public access distribution. This description of Otenasek does not describe "a playlist" as claim 1 recites, but rather a piece of multimedia content, which Otenasek describes is reviewed and possibly stored on a database for public access. The Background section of the pending application clearly describes "a playlist".

During examination plain meaning is given to a claimed term unless the specification provides meaning for the term, whereupon which the specification must be used to identify the meaning ascribed to the term by the inventor (MPEP §2111.01).

For instance, referring to page 2, lines 9-16 and page 3, lines 17-18 of the Background section of the subject application: "[e]ach playlist file contains information such as whether to play certain pieces of content more than one time, which pieces of content to play, the order in which to play referenced content, and the like. Playlist files contain references to one or more media streams and describe how pieces of media are combined. [...] Playlist files have the effect of combining several individual pieces of content into one single complex piece of content [...]." For purposes of illustration of playlist use, page 4, lines 19-23 of the Background describe that responsive to client selection of a URL that identifies a server in the particular playlist, the "server interprets the playlist to stream content referenced by the playlist to client, one piece of content at a time." Nowhere does Otenasek describe that media content is ever stored in such "a playlist".

For this reason alone, claim 1 is not anticipated by Otenasek and the 35 USC §102(a) rejection of claim 1 is improper and should be withdrawn.

Additionally, clam 1 recites that "a first playlist that has a non-canonical data format". As discussed, Otenasek does not describe a playlist. Thus, a system of Otenasek may never include a "first playlist that has a non-canonical data format" as claim 1 recites. For this additional reason, claim 1 is not anticipated by Otenasek and the 35 USC §102(a) rejection of claim 1 should be withdrawn.

Furthermore, claim 1 recites "providing, by a computing device, a plurality of translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format". Nowhere does Otenasek describe this feature. In addressing this feature, the ACTION references Otenasek ¶ 31, and step 200 of Fig. 3 to conclude that Otenasek anticipates this feature. This

conclusion is unsupportable because ¶ 31 of Otenasek merely describes that file encoders are used to convert one of multiple possible *multimedia content* data formats to a uniform multimedia file data format. In particular, Otenasek at ¶s 31 and 32, describes that uploaded multimedia content of various possible data formats (e.g., MPEG, MOV, AVI, RM) are encoded by one or more industry standard file encoders to a uniform data format such as AVI and stored in a database. Since multimedia content is not "a playlist", the encoders of Otenasek may never include "translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format".

For this further reason, claim 1 is not anticipated by Otenasek and the 35 USC §102 rejection of claim 1 is improper and should be withdrawn.

Additionally, claim 1 recites, calling, by a computing device, one of the translators to translate the first playlist into the canonical playlist format, forming a second playlist in the canonical playlist format". As discussed above, nowhere does Otenasek describe this feature. Since Otenasek does not describe "a first playlist", the system of Otenasek may never "forming a second playlist in the canonical playlist format", as claim 1 recites.

For this other reason, claim 1 is not anticipated by Otenasek. Accordingly, the 35 USC §102 rejection of claim 1 is improper and should be withdrawn.

Moreover, claim 1 recites "retrieving, by a computing device, media content referenced by the second playlist." In addressing this feature, the ACTION points to Fig. 3 and step 300 of Otenasek to conclude that the feature is anticipated. This conclusion is unsupportable.

Step 300 describes "[r]eview by the Remote Content Review/control site 20" [and] polling of the catalog maintained by the network administrator 40"

to act as a gatekeeper for information accessible by the public from the database. Otenasek's "catalog" is a listing of multimedia and information abstracts stored on a database for subsequent selection, nothing more—not "a first playlist" or "a second playlist" as claim 1 recites. For instance, the catalog is used to populate a UI template of Fig. 4 so that an administrative entity can query/direct an SQL server (see, ¶ 35) to interact with the database to determine which content has newly been uploaded to the database. This allows the administrator to review (e.g., view) the content and create/edit media content information abstracts. This does not describe a "playlist" as claim 1 recites.

For this additional reason, claim 1 is not anticipated by Otenasek and the 35 USC §102 rejection of claim 1 should be withdrawn.

Claims 2-4, 6, and 7 depend from claim 1 and are allowable over Otenasek by virtue of this dependency. Thus, for this reason alone, claims 2-4, 6, and 7 are not anticipated by Otenasek and the 35 USC §102 rejections of these claims are improper and should be withdrawn. Moreover, these claims also include subject matter that is not anticipated by Otenasek.

For instance, **claim 2** recites "streaming, by the server, content referenced by the second playlist to the client computing device". In addressing this claim, the ACTION refers to Otenasek ¶s 13 and 24 and discussion of step 400 of Fig. 3 to conclude that the recited feature is anticipated. This conclusion is unsupportable.

Otenasek at ¶13 describes the "[w]hen a new work is available, the remote content review/control site has the ability to screen each new digital video work by abstract and/or by its content in real time by audio/video streaming. As discussed, presentation of uploaded media content to an administrator for review is not

performed via a playlist. Rather, as media content is uploaded, a catalog of the uploaded media content is maintained by a network Administrator. An administrative reviewing authority polls the catalog "to ascertain when new works are available", review the new work(s), tag the new work(s) with an abstract of information (media category, subject, date, author, description), determine if the new works is/are appropriate for public access, and if so, specify a viewer rating. (E.g., see ¶s 23, 35-39). For this, ¶ 41 and Fig. 4 of Otenasek describe a user interface (UI). Via the UI, "[i]f the content reviewer chooses 'View Media Pending Approval' a list of the newly available media file(s) appears". A reviewer selects a particular piece of media content from the list (catalog) for presentation via a browser or media player to determine whether the selected media content is acceptable for public access and/or to generate/edit a corresponding abstract of information with respect to the selected media item.

Selection of a media item from a displayed "catalog" of Otenasek for presentation is not "streaming, by the server, content referenced by the second playlist to the client computing device" as claim 1 recites. The catalog is merely a list of work and corresponding information abstracts stored in the database. For instance, the catalog is used to populate a UI template of Fig. 4 so that an administrative entity can query/direct an SQL server (see, ¶ 35) to interact with the database to determine which content has newly been uploaded to the database. This allows an administrator to review (e.g., view) the content and create/edit media content information abstracts. This does not describe any playlist or, as claim 2 recites, "streaming [...] content referenced by the second playlist to the client computing device".

Otenasek further describes at ¶ 24 that "[a]ll existing media content is available in real time to the content review/control site 20 and by streaming to each viewer [...]." Nowhere does this paragraph (¶) describe streaming media content from a playlist. Moreover, with respect to the discussion of step 400 of Fig. 3 of Otenasek, Otenasek merely describes at ¶ 43 that approved content is available to administrators and for streaming from the database to viewers. As discussed, this is description is completely silent with respect to streaming media content from a playlist. For each of these reasons, "streaming, by the server, content referenced by the second playlist to the client computing device" as claim 2 recites is not anticipated by Otenasek.

Accordingly, for these additional reasons, the 35 USC §102 rejection of claim 2 is improper and should be withdrawn.

Claim 3 recites "wherein accessing, providing, calling, and retrieving are performed by a single computing device", and "wherein the method further comprise rendering/playing, by the single computing device, content referenced by the second playlist in a manner that the single computing device is a client for the content." In addressing these features, the ACTION refers to Otenasek Figs. 1, 2, and step 300 of Fig. 3 to conclude that these features are anticipated. This conclusion is unsupportable.

As already discussed, any systems or techniques of Otenasek for data streaming are directed to querying a database engine such as an SQL engine to streaming uploaded media content from a database. Such a query is the result of a user selecting a single piece of media content from a catalog listing available content that is presented to an end-user. Semantics are not the basis by which an application is examined. Rather, during examination plain meaning is given to a

claimed term *unless the specification provides meaning* for the term, whereupon the specification must be used to identify the meaning ascribed to the term by the inventor. Accordingly, even though Otenasek's catalog may be used to identify the name of a file on a database, nowhere does this description indicate or even imply that such media content is streamed from a "playlist" as claimed by the Applicant. As such, the system of Otenasek may never perform operations of "accessing, providing, calling, and retrieving are performed by a single computing device", and "wherein the method further comprise rendering/playing, by the single computing device, content referenced by the second playlist in a manner that the single computing device is a client for the content", as claim 3 recites.

Accordingly, for these additional reasons, the 35 USC §102 rejection of claim 3 is improper and should be withdrawn.

Claim 4 recites "dynamically generating, by a computing device, a data structure comprising the second playlist, the data structure being used to manage streaming content referenced by the second playlist". Nowhere is this feature described by Otenasek.

In addressing claim 4, the ACTION points to description in ¶s 24 and 31 of Otenasek to conclude that these recited features are anticipated. Applicant respectfully disagrees. Otenasek is merely describing conversion of multimedia of different data formats into a uniform data format. This does not describe generating "a data structure comprising the second playlist", as claim 4 recites. Moreover, as discussed, the catalog listing contents of a central database where uploaded media content is stored is not "a first playlist" or a "second playlist" as claimed.

Accordingly, Otenasek may never "dynamically generating, by a computing device, a data structure comprising the second playlist", as claim 4 recites. For this additional reason, the 35 USC §102 rejection of claim 4 should be withdrawn.

Claim 6 recites "dynamically streaming, by a server computing device, a different set of media content to a client computing device coupled to the server computing device across a network, the different media content not being represented in the second playlist." In addressing these features, the ACTION refers to Otenasek's description in ¶s, 24, 31-32, and 43. It is respectfully submitted Otenasek does not describe these recited features as the ACTION asserts.

As discussed, Otenasek is completely silent with respect to any use of a playlist. Rather, Otenasek describes creating a catalog of uploaded media content and associated information abstracts stored in a central database. This catalog is not a playlist. The catalog allows an entity to generate an SQL request to retrieve a single piece of content at a time from the database. Even though the catalog is not "a first [or] second playlist", Otenasek is completely silent with respect to any content being streamed to a requestor unless that content and its corresponding information abstract is identified in the catalog. For these reasons, Otenasek does not describe "dynamically streaming, by a server computing device, a different set of media content to a client computing device coupled to the server computing device across a network, the different media content not being represented in the second playlist" as claim 6 recites.

For these additional reasons, the 35 USC §102 rejection of claim 6 is improper and should be withdrawn.

Claim 7 "recites wherein the translators are COM objects." In addressing this feature, the ACTION points to Otenasek's translators at ¶ 31 that are described as COM objects. Yet, as discussed, translators of Otenasek translate uploaded media content, not playlists. Thus, regardless of whether the multimedia encoders of Otenasek are COM objects, Otenasek does not describe any encoder that converts a playlist from any data format to any other data format. For these reasons, a system of Otenasek may never encapsulate the features of claim 7.

For this additional reason, the 35 USC §102 rejection of claim 7 should be withdrawn.

Claim 20 recites "a playlist server component that uses a canonical playlist to represent playlists, each canonical playlist having a canonical data format", translator components for use by the playlist server component, the translator components accepting non-canonical playlists having non-canonical formats for translation to the canonical format", and "wherein the playlist server performs operations comprising: receiving a non-canonical playlist", "providing the non-canonical playlist to one of the translator components to translate the non-canonical playlist into the canonical format for addition to the canonical playlist", and "streaming media referenced by the canonical playlist." The ACTION rejects this claim on the same basis as the ACTION rejected claim 2. As discussed above, Otenasek does not describe these claimed features.

Accordingly, the 35 USC §102 rejection of claim 20 is improper and should be withdrawn.

Claims 21-23, 25, and 30 depend from claim 20 and are patentably distinguished from Otenasek by virtue of this dependency. Accordingly, the 35

USC §102 rejections of claims 21-23, 25, and 30 are improper and should be withdrawn.

Moreover, as discussed above (e.g., see the discussion pertaining to features of claims 2-4 and 6-7), claims 21-23, 25, and 30 include additional features that are not described by Otenasek. For these additional reasons, the 35 USC §102 rejections of claims 21-23, 25, and 30 should be withdrawn.

Claim 31 recites "accessing a first playlist that has a non-canonical format", "providing a plurality of translators to translate playlists from a plurality of different native data formats to a canonical data format", and "invoking one of the translators to translate the first playlist into the canonical data format, forming a second playlist that is based on the canonical data format." The ACTION rejects this claim on the same basis as the ACTION rejected claim 1. For the reasons already discussed with respect to claim 1, Otenasek does not describe these features of claim 31.

Accordingly, the 35 USC §102 rejection of claim 31 is improper and should be withdrawn.

Claims 32-34 and 36 depend from claim 31 and are patentably distinguished from Otenasek by virtue of this dependency. Accordingly, the 35 USC §102 rejections of claims 32-34, and 36 are improper and should be withdrawn. Moreover, as presented above with respect to claims 2-4 and 6-7, claims 32-34, and 36 include additional features that are not described by Otenasek. For these additional reasons, the 35 USC §102 rejections of claims 32-34, and 36 should be withdrawn.

Claim Rejections Under 35 USC §103(a)

Claims 8, 9, 24, and 38-39 stand rejected under 35 USC §103(a) as being unpatentable over Otenasek in view of U.S. Patent No. 6.564,263 to Bergman et al ("Bergman"). These rejections are traversed.

Claim 8 recites "wherein the canonical playlist format is a Synchronized Multimedia Integration Language (SMIL) data format". In addressing claim 8, the ACTION asserts, at page 8, section 7, that "Otenasek discloses the method [...] wherein the canonical playlist format is AVI format and an AVI encoder interface is used to create the second playlist." The Action concedes that Otenasek does not teach or suggest use of a SMIL data format. Instead, the ACTION relies on Bergman, which teaches the use of SMIL, to conclude that it would have been obvious to a person of ordinary skill in the art to create Otenasek's canonical playlists using SMIL, use SMIL, as taught by Bergman, rather than an AVI data format. This conclusion is unsupportable.

Otenasek describes at ¶ 22 that multimedia content is uploaded to a "central upload site" **30** of a data warehouse for review and possible distribution. Otenasek does not describe that this uploaded media content is "a first playlist [or] a second playlist". At ¶ 31 and 32, Otenasek describes that uploaded multimedia content of different data formats (e.g., MPEG, MOV, AVI, RM) are encoded using industry standard encoders into a single uniform data format (e.g., the AVI data format) and stored on a database. Thus, Otenasek explicitly describes that media content is converted to a uniform data format, not a playlist. Media content, *not a playlist,* is converted for subsequent streaming to an entity.

The secondary reference, Bergman, teaches the use of SMIL for describing domain specific metadata associated with multimedia content (col. 2, lines 37-56).

These teaching is completely silent with respect to the use of SMIL to encode a playlist, especially since Bergman does not teach or suggest the use of any playlist in its system for multimedia content description.

For these reasons, Otenasek in view of Bergman does not teach or suggest "a first playlist that has a non-canonical data format" "providing, by a computing device, a plurality of translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format", and "calling, by a computing device, one of the translators to translate the first playlist into the canonical playlist format, forming a second playlist in the canonical playlist format", as claim 1 recites. Since claim 8 depends from claim 1, the references of record singly or in combination do not teach or suggest "wherein the canonical playlist format is a Synchronized Multimedia Integration Language (SMIL) data format", as claim 8 recites.

Accordingly, the 35 USC §103(a) rejection of claim 8 is improper and should be withdrawn.

Claim 9 recites "creating, by a computing device, the second playlist via a SMIL interface." As discussed with respect to claim 8, the cited combination of Otenasek in view of Bergman does not teach or suggest these recited features. Accordingly, the 35 USC §103(a) rejection of claim 9 is improper and should be withdrawn.

Claims 24 and 38 recite "wherein the canonical data format is SMIL data format." For the reasons discussed above with respect to claim 8, the cited combination of Otenasek in view of Bergman does not teach or suggest these recited features. Accordingly, the 35 USC §103(a) rejections of claims 24 and 38 are improper and should be withdrawn.

Claim 39 recites "wherein a SMIL interface is used to form the second playlist." For the reasons discussed above with respect to claim 8, the cited combination of Otenasek in view of Bergman does not teach or suggest these recited features. Accordingly, the 35 USC §103(a) rejection of claim 39 is improper and should be withdrawn.

Claims 5, 10-19, 22, 26-29, 35, 37, and 40-44 stand rejected under 35 USC §103(a) as being unpatentable over Otenasek in view of U.S. Patent No. 5,974,503 to Venkatesh et al ("Venkatesh"). These rejections are traversed.

Claims 5 and 10-19 depend from claim 1. Claim 1 recites in part "providing, by a computing device, a plurality of translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format", and "calling, by a computing device, one of the translators to translate the first playlist into the canonical playlist format, forming a second playlist in the canonical playlist format." The references of record do not teach or suggest the features of claim 1, for the following reasons.

Otenasek describes at ¶ 22 that multimedia content is uploaded to a "central upload site" **30** of a data warehouse for review and possible distribution. Otenasek does not describe that this uploaded media content is "a first playlist [or] a second playlist". At ¶ 31 and 32, Otenasek describes that uploaded multimedia content of different data formats (e.g., MPEG, MOV, AVI, RM) are encoded using industry standard encoders into a single uniform data format (e.g., the AVI data format) and stored on a database. Thus, Otenasek explicitly describes that media content is converted to a uniform data format. Nowhere does Otenasek teach that a playlist data format is converted to some different playlist data format. Thus, the

primary reference of Otenasek cannot be relied on to teach or suggest "translators that translate playlists", "a canonical playlist format", "translat[ing] the first playlist into the canonical playlist format", and "forming a second playlist in the canonical playlist format"

Referring to the secondary reference, Venkatesh, at cols. 44-48, teaches creation, modification, and use of playlists. However, nowhere does Venkatesh teach or suggest converting a playlist from one data format to different data format. Thus, the secondary reference does not teach or suggest "translators that translate playlists", "a canonical playlist format", "translat[ing] the first playlist into the canonical playlist format", and "forming a second playlist in the canonical playlist format", as claim 1 recites.

In view of the above, it is respectfully submitted that the combination of Otenasek in view of Venkatesh may teach conversion of a piece of media content from one multimedia data format to another multimedia data format, and insertion of the multimedia content into a playlist. However, this does not teach or suggest "providing, by a computing device, a plurality of translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format", and "calling, by a computing device, one of the translators to translate the first playlist into the canonical playlist format, forming a second playlist in the canonical playlist format", as claim 1 recites.

Because claim 5 and 10-19 depend from claim 1, the references of record do not teach or suggest the features of claim 5 and 10-19. For these reasons alone, the 35 USC §103(a) rejection of claims 5 and 10-19 over Otenasek in view of Venkatesh is improper and should be withdrawn.

Furthermore, claims 5 and 10-19 include additional features that are not taught or suggested by the references of record. For instance, **claim 5** recites "dynamically interrupting, by a computing device, a particular media item as it is being streamed from the second playlist." In addressing these claimed features, the ACTION concedes that Otenasek does not teach or suggest the claimed "dynamically interrupting a particular media item as it is being streamed from the second playlist", as Applicant claims. Instead, the ACTION relies on Venkatesh for this missing feature, concluding that it would have been obvious to arrive at the claimed features in view of the combined teachings of Otenasek and Venkatesh. This conclusion is unsupportable.

Venkatesh teaches at col. 47, lines 36-42, "[i]n response to a 'destroy sessions' command, the video fileserver stops in a transmission of a session's continue as media data and releases all server resources which were allocated to the session." This however does not teach or suggest "dynamically interrupting [...] a particular media item as it is being streamed from the second playlist", as Applicant claims. Recall, referring to claim 1 from which claim 5 depends, that "the second playlist" is a playlist that has been converted from a non canonical playlist data format to "a canonical playlist format". Thus, a system of Venkatesh may never interrupt streaming of any media item from a playlist that had been converted from a first playlist data format into a different playlist data format.

For these additional reasons, the 35 USC §103(a) rejection of claim 5 over Otenasek in view of Venkatesh is improper and should be withdrawn.

In another example, **claim 10** recites, "providing, by a computing device, one or more transformers that impose respective policies on content referenced by the first playlist", and "notifying, by a computing device, at least one transformer

of the one or more transformers to impose a policy on the content referenced by the second playlist." The action addresses this claim as it addressed claim 5. For the reasons discussed above with respect to claim 5, claim 10 is also patentably distinguished over in the Otenasek in view of Venkatesh. Thus, the 35 USC§103(a) rejection of claim 10 over Otenasek in view of Venkatesh is improper and should be withdrawn.

Claim 11 recites "imposing, by the at least one transformer, the policy results in a modification to the second playlist, the modification removing a reference from the second playlist, adding a reference to the second playlist, changing the order of references in the second playlist; and/or modifying a reference to content in the second playlist." For the reasons discussed above with respect to claim 5, the references of record do not teach or suggest any such "second playlist".

Accordingly, the 35 USC§103(a) rejection of claim 11 over Otenasek in view of Venkatesh is improper and should be withdrawn.

Claim 12 recites "the one or more transformers are one or more corresponding COM objects." In addressing this claim, the ACTION concedes that Venkatesh does not teach or suggest the features of claim 12. Instead, the ACTION relies on the transcoders of Otenasek to conclude and that it would have been obvious to one of ordinary skill in the art at the time of intention to arrive at these claimed features. This conclusion is unsupportable because ¶ 31 of Otenasek merely describes that file encoders are used to convert one of multiple possible uploaded multimedia content data formats to a uniform multimedia file data format.

Otenasek at ¶s 31 and 32, describes that uploaded multimedia content of various possible data formats (e.g., MPEG, MOV, AVI, RM) are encoded by one or more industry standard file encoders to a uniform data format such as AVI and stored in a database. Since multimedia content is not "a playlist", the encoders of Otenasek may never include "translators that translate playlists from a plurality of different non-canonical formats to a canonical playlist format". Thus, a system of Otenasek in view of Venkatesh, singly or in combination, does not teach or suggest "one or more transformers are one or more corresponding COM objects", as claim 12 recites.

Accordingly, the 35 USC§103(a) rejection of claim 12 over Otenasek in view of Venkatesh is improper and should be withdrawn.

Claim 13 recites modifying, by a supervisory component the second playlist to insert a new reference into the second playlist, delete a reference from the second playlist, change an order of associated media content references, and/or modify a reference in the second playlist", and "wherein the modifying is performed while streaming media referenced by the second playlist to a client computing device." For the reasons discussed above with respect to claim 5, the references of record do not teach or suggest any such "second playlist".

Accordingly, the 35 USC§103(a) rejection of claim 13 over Otenasek in view of Venkatesh is improper and should be withdrawn.

Claim 14 recites "dynamically interrupting, by the supervisory component, a particular media item as it is being streamed to insert another media item." The ACTION concedes that Otenasek does not teach or suggest these features (see, the ACTION page 9, section 8). In addressing these claimed features, the ACTION concludes that these features are obvious in view of the reference of record as

evidenced by teachings of Venkatesh wherein a playlist is interrupted as referenced content is being streamed, adding a clip to the playlist, and continuing playback of the playlist after inserting a clip. This conclusion is unsupportable.

Venkatesh at col. 47, lines 56-61, teaches: "dynamically revising the play-list during broadcast of the clip at the head of the play-list. Preferably, there is a limit as to how close to broadcast time the clip normally may be deleted or new material inserted, in order to ensure continuity of transmission of the continuous media stream of each clip." Additionally, Venkatesh at col. 48, lines 54-65, teaches that "[e]dit commands delete or insert new material from more into the play-list during the session plain state without causing an interruption of the broadcast transmission. To ensure continuity of broadcast transmission during each clip, however, it is desirable to set a limit as to how close to air-time a clip normally may be deleted or new material inserted. If this limit would not be met, the attic command is rejected. To allow live break-ins or other "emergency" operations, however, the session may be paused later resumed". Thus, Venkatesh teaches guaranteeing broadcast continuity of each clip unless there's emergency situation wherein all broadcasting is stopped.

In light of this, the system of Venkatesh does not teach or suggest "dynamically interrupting, by the supervisory component, a particular media item as it is being streamed to insert another media item", as claim 14 recites. Instead, it is respectfully submitted that the only time that the clip can be inserted into a playlist of Venkatesh is when they clip that is currently being streamed will not be interrupted. For each of these reasons, the references of record singly, or in combination do not teach or suggest the features of claim 14.

Accordingly, the 35 USC §103(a) rejection of claim 14 is improper and should be withdrawn.

Claim 15 recites "dynamically interrupting, by the supervisory component, a particular media item as it is being streamed", "streaming, by the supervisory component, another media item", and "resuming, by the supervisory component, a set of operations specified by the second playlist". For the reasons discussed above with respect to claim 14, the references of record do not teach or suggest these claimed features.

Accordingly, the 35 USC §103(a) rejection of claim 15 is improper and should be withdrawn.

Claim 16 recites "wherein the supervisory component is a COM object." Further reasons already discussed, the references of record do not teach or suggest such a "supervisory component".

Accordingly, the 35 USC §103(a) rejection of claim 16 is improper and should be withdrawn.

Claim 17 recites "accessing, by a computing device, a playlist", "imposing, by the computing device, a policy on the content referenced by the playlist in a manner that is independent of a modification to the playlist, wherein imposing the policy results in a particular set of media references", and "retrieving, by a computing device, media content referenced by the particular media references." In addressing these features, the ACTION rejects this claim analogously to how it rejected claims 1 and 10. However, claim 17 includes features that are not present in claims 1 and 10.

For instance, claim 17 includes a feature that imposes a policy on content referenced by a playlist in a manner that is independent to any modification to the

playlist. Otenasek is completely silent with respect to any playlist. And, although Venkatesh teaches editing a playlist, all such edits are described as changing the playlist. Accordingly, a system of Otenasek in view of Venkatesh may never "imposing, by the computing device, a policy on the content referenced by the playlist in a manner that is independent of a modification to the playlist", as claim 17 recites.

For this reason alone, and as discussed above, the 35 USC §103 rejection of claim 17 is improper and should be withdrawn.

As an additional matter, if this claim is again rejected in a subsequent Office action on a similar basis, it is respectfully requested for the Office to particularly point out where the references of record describe, teach or suggest "imposing, by the computing device, a policy on the content referenced by the playlist in a manner that is independent of a modification to the playlist".

Claim 18 recites "removing, by the computing device, a media content reference, adding a media content reference, changing an order of media content references, and/or modifying a media content reference. Claim 18 depends on claim 17 and is allowable over the references of record by virtue of this dependency. For this additional reason, the 35 USC §103 rejection of claim 18 is improper and should be withdrawn.

Claim 22 recites "dynamically interrupting a particular media item as it is being streamed from the second canonical playlist." As discussed above, nowhere do the references of record teach such a "second canonical playlist". As a result, the 35 USC §103 rejection of claim 22 should be withdrawn.

Claim 26 recites "a supervisory component that communicates with the playlist server component to dynamically modify the canonical playlist while the

playlist server component streams the content referenced by the canonical playlist." For the reasons discussed, the references of record do not teach or suggest these features (e.g., a "canonical playlist").

Accordingly, the 35 USC §103 rejection of claim 26 is improper and should be withdrawn.

Claim 27 recites wherein the supervisory component uses a graphical user interface to visualize and manually manipulate elements and attributes of the canonical playlist." As discussed, the cited references singly or in combination do not teach or suggest "the canonical playlist." Accordingly, the 35 USC §103 rejection of claim 27 is improper and should be withdrawn.

Claim 28 recites "providing the second canonical playlist to the playlist transformation component to impose the policy on the content referenced by the second canonical playlist." For the reasons already discussed, the cited references singly or in combination do not teach or suggest "the canonical playlist." Accordingly, the 35 USC §103 rejection of claim 28 is improper and should be withdrawn.

Claim 29 recites "providing the canonical playlist to the playlist transformation component results in a modification to the canonical playlist, the modification removing a reference from the second playlist, adding a reference to the second playlist, changing the order of the playlist references, and/or modifying a reference in the canonical playlist." For the reasons already discussed, the cited references singly or in combination do not teach or suggest "the canonical playlist." Accordingly, the 35 USC §103 rejection of claim 29 is improper and should be withdrawn.

Claim 35 recites "dynamically interrupting a particular media item as it is being streamed. For the reasons already discussed, the cited references singly or in combination do not teach or suggest these features. Accordingly, the 35 USC §103 rejection of claim 35 is improper and should be withdrawn.

Claim 37 "recites interrupting a particular media item as it is being streamed", "streaming another media item", and "resuming a set of operations specified by the second playlist." For the reasons already discussed, the cited references singly or in combination do not teach or suggest these features. Accordingly, the 35 USC §103 rejection of claim 37 is improper and should be withdrawn.

Claim 40 recites "providing a plurality of transformers that impose respective policies on content referenced by the first playlist" and, "notifying one of the transformers to impose a policy on content referenced by the second playlist". For the reasons already discussed, the cited references singly or in combination do not teach or suggest these features.

Accordingly, the 35 USC §103 rejection of claim 40 is improper and should be withdrawn.

Claim 41 recites "wherein imposing the policy results in a modification to the second playlist, the modification being selected from a group comprising (a) removing a reference from the second playlist, (b) adding a reference to the second playlist, (c) changing the order of references in the second playlist, and (d) modifying a reference in the second playlist. For the reasons already discussed, the cited references singly or in combination do not teach or suggest these features.

Accordingly, the 35 USC §103 rejection of claim 41 is improper and should be withdrawn.

Claim 42 recites "wherein the server and the plurality of transformers are COM objects." For the reasons already discussed, the cited references singly or in combination do not teach or suggest these features. Accordingly, the 35 USC §103 rejection of claim 42 is improper and should be withdrawn.

Claim 43 recites "dynamically modifying the second playlist while streaming the media referenced by the second playlist, the modification being selected from a group of modifications comprising (a) inserting a new reference into the second playlist, (b) deleting a reference from the second playlist, (c) changing the order of the references; and (d) modifying a reference in the second playlist. For the reasons already discussed, the cited references singly or in combination do not teach or suggest these features.

Accordingly, the 35 USC §103 rejection of claim 43 is improper and should be withdrawn

Claim 44 recites "interrupting a particular media item as it is being streamed to stream a different media item. For the reasons already discussed, the cited references singly or in combination do not teach or suggest these features. Accordingly, the 35 USC §103 rejection of claim 44 is improper and should be withdrawn

Conclusion

Claims 1-44 are in condition for allowance and action to that end is respectfully requested. Should any issue remain that prevents allowance of the application, the Office is encouraged to contact the undersigned prior or issuance of a subsequent Office action.

Respectfully Submitted,

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